

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4
5 JAMES GARAVAGLIA,)
6 Plaintiff,)
7 vs.) Case No. 4:20-cv-01681-CDP
8 CITY OF ST. LOUIS,)
9 et al.,)
10 Defendants.)

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DEPOSITION OF CHANA MORTON
TAKEN ON BEHALF OF THE PLAINTIFF
APRIL 7, 2022



1 A Airport.

2 Q -- airport?

3 A Yes.

4 Q Okay. What part of the airport did

5 you work?

6 A The DBE office.

7 Q DBE?

8 A DBE. Disadvantaged Business

9 Enterprise.

10 Q Okay. How long were you there?

11 A Until 2011.

12 Q Okay. And what happened in 2011?

13 A Then I got a promotion to the

14 Comptroller's office.

15 Q And what was your classification?

16 A Executive secretary to the

17 Comptroller.

18 Q Do they have like a I, II?

19 A No.

20 Q All right. Is that your current

21 title?

22 A Yes. Actually, I have a different

23 title now.

24 Q How long did you have this title?

25 A Until 2020.

1 Q Okay. Did you actually change
2 **classifications, or did they just change the name?**

3 A They changed the name to executive
4 assistant to the Comptroller.

5 Q Got it. All right. And that is your
6 **present title since 2020?**

7 A Yes.

8 Q Got it. And you do still work with
9 **the Comptroller's office, just to clarify?**

10 A Yes.

11 Q Okay. Do you belong to any other
12 **professional committees or organizations,**
13 **especially ones that are related to your job?**

14 A No.

15 Q No? Okay. So first I just, I kinda
16 **want to talk about the Comptroller's office, your**
17 **role. If you could, just describe to me kinda**
18 **what, first, your duties are as an executive**
19 **assistant to the Comptroller.**

20 A I -- so I'm the gatekeeper for the
21 Comptroller, and majority of the phone calls,
22 letters, I receive all of those. All of her
23 emails. And I communicate with the managers, with
24 the staff, with the outside officials, customer
25 service.

1 Q Who else trained you besides those
2 two?

3 A The Comptroller.

4 Q At any point did you ever speak to
5 the Comptroller about these procedures, or what you
6 were taught, and then Jim not following the
7 procedures?

8 A Yes.

9 Q When was that?

10 A I don't recall a date.

11 Q Do you recall what year?

12 A It would have to be 2016.

13 Q Was that the only time that you
14 talked to her?

15 A No.

16 Q Okay. Do you recall other times?

17 A It was continuous.

18 Q What things were you telling the
19 Comptroller?

20 A Items were missing, he wasn't
21 following what had been done with the documents for
22 years.

23 Q Was this something that you discussed
24 with Jim at any point, or did you just inform the
25 Comptroller?

1 A I know I discussed with both Jim and
2 Sheila.

3 **Q Sheila being who?**

4 A Jim's assistant.

5 **Q What's her last name?**

6 A I forgot her last name. Oh, my gosh.

7 **Q That's okay. Did you have to**
8 **communicate with her frequently when Jim was Deputy**
9 **Comptroller?**

10 A Not every day. Only when we were
11 doing bond deals.

12 **Q Do you know whether or not she was**
13 **the one who prepared those documents and got them**
14 **in order?**

15 A It was very confusing. I was never
16 sure.

17 **Q So you mentioned things not being in**
18 **order or missing signatures. Anything else?**

19 A There was a time where the documents
20 ended up out at the airport.

21 **Q Do you remember what -- what year it**
22 **was, or when?**

23 A I don't remember the year.

24 **Q Do you remember what type of bond**
25 **issue it was?**

1 A No.

2 Q Do you recall if you spoke to Sheila
3 or to Jim about it?

4 A I spoke with Sheila about it.

5 Q Do you recall what happened or what
6 was said?

7 A I just let her know that the airport
8 called me, the contract officer out there, and was
9 confused about some other documents that were --
10 that she received. And I asked her to read it to
11 me and I realized they were bond documents, and I
12 asked her to send them to me.

13 And I know the contract person
14 mentioned that they were in a folder, but the
15 folder wasn't marked. So I talked to Sheila, and I
16 said if these are bond documents, um, when you put
17 them in a folder, you should mark who -- you know,
18 what they are, who you are, so that they'll know if
19 they go out there by accident, or something should
20 happen, people will know.

21 Q Did you ever speak to Jim about it,
22 or just to Sheila?

23 A Just to Sheila.

24 Q Did you ever discuss these issues
25 with Miss Steele? Or was it always either the

1 **Comptroller or Jim or Sheila?**

2 A Well, Eunetter was doing something
3 different, so it was always the Comptroller,
4 Sheila, or Jim.

5 **Q Anybody else besides those people?**

6 A Probably talked to Michele Graham.

7 **Q Okay. What was her role?**

8 A She's in our office and she's the
9 contract supervisor.

10 **Q Who does she report to?**

11 A At that time, I'm not sure. I think
12 she reported to the deputy, Bev Fitzsimmons.

13 **Q Okay. Did you believe it was your**
14 **responsibility to speak to either Jim or Sheila or**
15 **the Comptroller about whether or not these**
16 **documents were in order?**

17 A Yes.

18 **Q Did you believe that because you were**
19 **told that directly from the Comptroller?**

20 A No.

21 **Q Okay. Why did you believe that?**

22 A Because we're responsible -- I felt
23 responsible for the documents. To make sure --

24 **Q Can you -- I'm sorry, I didn't mean**
25 **to cut you off. I'm sorry.**

1 A No, go ahead.

2 Q I was just going to ask what you
3 meant by that, felt responsible. Why?

4 A Because receiving the documents is
5 part of my responsibility.

6 Q Well, but it goes beyond that a
7 little bit; right? You're not just receiving them
8 and then waiting for the Comptroller to hand it to
9 her. You're involved in making sure they're
10 correct. Is that right?

11 A Yes.

12 Q Okay. You were never told directly
13 to do that. Is that right?

14 MS. HAMILTON: Is there a question?

15 Q (BY MR. SCHMITZ) Is that right?

16 MS. HAMILTON: I would just object
17 that it mischaracterizes her prior testimony
18 regarding her training. Subject to that, you can
19 answer. Sorry.

20 A When I spoke with Eunetter Steele and
21 Ivy, it was part of our discussion.

22 Q (BY MR. SCHMITZ) Okay.

23 A And part of the training, I will say.

24 Q So let me be clear because I want to
25 make sure we get your testimony correct. Were you

1 **should be done? How they should be -- is from one**
2 **building to another, how that should be taken?**

3 A From one building to another?

4 Q **Right.**

5 A No.

6 Q **Okay. Are you familiar with the**
7 **interoffice mail?**

8 A Yes.

9 Q **Okay. Were bond documents ever**
10 **passed along through interoffice mail?**

11 A No.

12 Q **How was it done?**

13 A Usually it gets to the City
14 Counselor's office. I'm not sure what they did to
15 get it to the City Counselor's office. But I know
16 that Joan Jennings would walk it to the Mayor's
17 office, and either Rochelle or Sherry Wibbenmeyer
18 would walk the documents to me.

19 Q **There were two different offices**
20 **within the Comptroller's office; right? The**
21 **physical locations?**

22 A Yes.

23 Q **And was there a person that delivered**
24 **documents between those two offices?**

25 A Bond documents?

1 **Q So did you witness any of the events**
2 **that transpired on those two days?**

3 A Yes.

4 **Q Okay. Do you know what -- what the**
5 **issue was?**

6 A I know there was a bond closing that
7 was happening that Friday, and I know prior to
8 that, it had gone to E&A and there was a lot of
9 confusion with that, and so it finally passed
10 through E&A and so we were waiting on these
11 documents.

12 And I received an email from Tom Ray
13 telling me that Jim had the documents, you know,
14 was circulating the documents and that the
15 documents were in the Mayor's office, and that Jim
16 asked the Mayor's secretary to put the documents
17 into the interoffice mail, once the Mayor has
18 already signed it.

19 And Tom Ray knew that that was not
20 the normal procedure, and that normally the Mayor's
21 office would walk the documents to the Comptroller.
22 Especially with the closing being so close.

23 And so I was made aware that the
24 documents were not heading to our office.

25 **Q Do you know what date that email was**

1 there were? With Jim specifically.

2 A Just one.

3 Q One? Do you remember the content of
4 that conversation?

5 A Yes, I was talking to Sheila first,
6 and then she put me on speaker, and then Jim was
7 commenting.

8 Q Okay. Did you express your
9 frustration at that point? If you recall.

10 A I don't recall.

11 Q Did anybody contribute to this, or
12 provide information?

13 A To my report, no.

14 Q Did you ask anybody questions ahead
15 of preparing it?

16 A No.

17 Q Did you discuss this or show it to
18 the Comptroller before sending it to Nancy Kistler?

19 A I don't recall.

20 Q Okay. I want to discuss the content
21 of this memo a little bit; okay? And were you
22 documenting this on that date? Excuse me, the
23 dates that this was written, were you already
24 making written notes?

25 A Yes.

1 Q So on Wednesday, June 26, at what
2 point did you start making notes about what was
3 happening?

4 A Once I talked to Sheila.

5 Q So based on this timeline, you're
6 referring to talking to Sheila at what time?

7 A Probably maybe 3:50?

8 Q So sometime after the note for 3:45
9 PM?

10 A Yes.

11 Q How did you write -- take these
12 notes?

13 A On my notepad that I write with every
14 day.

15 Q Like handwritten?

16 A Yes.

17 Q What did you do with that notepad and
18 those notes?

19 A I don't know.

20 Q Do you believe you still have them in
21 your possession?

22 A I might.

23 Q When -- what time was the
24 conversation where Jim was involved? What time was
25 that?

1 MR. SCHMITZ: We are finished. For
2 now.

3 EXAMINATION

4 QUESTIONS BY MR. NORWOOD:

5 Q Okay. I have a few. I want to talk
6 about, you touched on this, but with respect to
7 your ratings, I think you had indicated that maybe
8 in 2011 and 2012, you received ratings from the
9 Comptroller; is that right?

10 A Yes.

11 Q And thereafter, you had not received
12 any ratings?

13 A I have not received any more ratings.

14 Q From the Comptroller?

15 A Correct.

16 Q And just for the record, you are an
17 African American female; is that right?

18 A Yes.

19 Q That email you received from Tom Ray
20 that we talked about, I believe it was Wednesday,
21 June the 26th of 2019. Is that right?

22 A Yes.

23 Q Was that unusual for you to get an
24 email like that?

25 A Yes.

1 **Q Why?**

2 A Tom Ray knows how we circulate
3 documents. He was basically giving me a red alert
4 that this was -- this was unusual.

5 **Q Okay. And Mr. Garavaglia was copied**
6 **on that email?**

7 A Yes.

8 **Q As part of that red alert that you**
9 **identified. Is that right?**

10 A Yes.

11 **Q Were you -- you had talked about or**
12 **touched on a meeting that took place on July 2 of**
13 **2019 that occurred in the Comptroller's office with**
14 **Mr. Garavaglia?**

15 A Yes.

16 **Q Let's talk a little bit more about**
17 **that. What time of day was that meeting?**

18 A I called Jim at 7 AM that morning and
19 asked him to come to the office instead of going to
20 his office. To come to the Comptroller's office.
21 So he got there at 7:30, around 7:30, and that's
22 when he was presented the letter in the conference
23 room.

24 **Q Okay. And the letter we're talking**
25 **about is the letter that was dated July 2, 2019?**

1 A Yes. Maybe less than that.

2 Q And -- and this was before working
3 hours had started. Is that right?

4 A That's correct.

5 Q I think you touched on this, but have
6 you ever heard of, since you have been associated
7 with the Comptroller's office, a situation where
8 important documents like this would be sent in
9 interoffice mail?

10 A Never.

11 Q Do you know why Jim Garavaglia would
12 have sent them in interoffice mail --

13 MR. SCHMITZ: Objection, calls for
14 speculation.

15 MR. NORWOOD: Well, let me get it
16 out.

17 Q (BY MR. NORWOOD) Do you know why,
18 given the fact that Mr. Garavaglia was going to be
19 on vacation the following day, he would have
20 instructed the Mayor's secretary to put those
21 important documents in interoffice mail?

22 MR. SCHMITZ: Again, objection, calls
23 for speculation.

24 Q (BY MR. NORWOOD) If you know.

25 A I don't know.

1 Q Let me -- if you could turn to
2 Exhibit O? Do you have that in front of you?

3 A Yes.

4 Q And I'm going to direct your
5 attention to what they have repaginated as page 12,
6 which is the memo that you prepared for Miss Nancy
7 Kistler dated July 12, 2019. Do you see that?

8 A Yes.

9 Q Let me turn to the last paragraph of
10 that letter, which is on page 4, and there is an
11 asterisk. Do you see that?

12 MR. BLANKE: Did you say page 4? Oh,
13 at the top.

14 MR. NORWOOD: Well, it's page 15 of
15 the repaginated but it's page 4 of the memo that
16 you wrote.

17 Q (BY MR. NORWOOD) Are you there?
18 Page --

19 A Yes.

20 Q Exhibit O, redesignated as page 15.
21 It's page 4 of your memo. Is that right?

22 A Yes.

23 Q All right. Now, you have an asterisk
24 there, and a couple of sentences following that
25 asterisk; is that correct?

1 A Yes.

2 Q I want to just read that. It says,
3 (Quote as read):

4 During this entire chaotic process on
5 Thursday, July 27, I did not receive
6 any verbal or written communication
7 from James Garavaglia or his
8 assistant, Sheila Woods.

9 Why did you write that there?

10 A Because that was unusual, for me to
11 get communication from outside people and the
12 Comptroller's own deputy did not follow up or call
13 to see how things were going. I didn't hear
14 anything from either one of them.

15 Q Okay. You go further and you say,
16 (Quote as read):

17 I believe they are ultimately
18 responsible for the proper execution
19 of these types of emergency
20 documents.

21 Why did you write that?

22 A Because I felt that they are
23 ultimately responsible. They are responsible, but
24 now we became responsible for the documents.

25 Q And I think you talked about that

1 earlier where essentially you had to drop the work
2 you would normally do to make sure that these
3 important documents were executed before the
4 deadline.

5 A That's correct.

6 Q And then you go further, you say,
7 (Quote as read):

8 Instead, many of us had to stop doing
9 our own work for two days to make
10 sure that these Muni Court documents
11 were processed timely and correctly.
12 Is that accurate?

13 A That's correct.

14 Q All right. And then it says, (Quote
15 as read):

16 This type of lack of communication
17 and confusion is, unfortunately,
18 happening more and more frequently,
19 which is unfortunate as this process
20 prior to Jim taking over as deputy
21 ran quite smoothly and
22 collaboratively within the
23 departments for many years.
24 Is that accurate?

25 A That's correct.

1 **Q And when you talked about the**
2 **pre-James Garavaglia process working smoothly and**
3 **cooperatively for many years, tell us about that.**

4 A All of us assistants worked together,
5 we worked together with Ivy, we worked together
6 with Eunetter, we always knew where the documents
7 were, we always knew the documents were coming
8 days, even weeks before the documents came.

9 And the assistants, we always emailed
10 each other, who has the documents? You have it,
11 okay, Chana, I'm bringing it to you, I got it.
12 Eunetter, I have the documents, I put it down, you
13 know, I brought them to the register's office. It
14 was constant communication and it was just smooth.
15 Everyone knew what they were supposed to do.

16 **Q And why is that important with**
17 **respect to dealing with the Mayor, the president of**
18 **the Board of Aldermen, the Comptroller, why that**
19 **was important for that collaboration to take place**
20 **to know where people were so that documents could**
21 **be properly executed?**

22 MR. SCHMITZ: Objection, it calls for
23 speculation.

24 **Q (BY MR. NORWOOD) If you know.**

25 A Because these are financial

1 documents. Normally these are financial documents.
2 It's very important, there's always deadlines, but
3 more importantly, the elected officials, they have
4 their own meetings and schedules and just to
5 collaborate all the schedules, you know, all the
6 secretaries, all of us will work together, well,
7 she's here, okay, we'll give it to her and make
8 sure she has it, and it's just important, regarding
9 their schedules, to get these financial documents
10 done correctly and without any bumps.

11 **Q And after Jim became Deputy**
12 **Comptroller, finance and development, did that**
13 **process change?**

14 A Yes. So we never knew when the
15 documents were coming. And like I said before, a
16 lot of times Sheila wouldn't put it in a marked
17 envelope, or she wouldn't communicate with us and
18 she would always say, well, Jim said to do this,
19 Jim said. So we tried to work together with her to
20 get her into the fold of how we usually do things
21 but it never happened.

22 **Q Okay. All right. And I believe you**
23 **testified that you had discussions with Jim about**
24 **issues as they were developing over the -- after he**
25 **became Deputy Comptroller; is that correct?**

1 A Yes. That's correct.

2 Q All right. And why did you have
3 discussions with Jim about problems with those
4 documents?

5 A Because items were missing, or we
6 didn't know where the documents were. Sheila
7 wouldn't know where the documents were. At one
8 point Jim was trying to walk the documents around,
9 which is not something -- because he doesn't know
10 their schedules, he doesn't know if the Mayor's
11 there, he doesn't know if the Comptroller, you
12 know, and so we tried to get him into our system.
13 He just never did conform. Never.

14 Q Okay. And you had those discussions
15 with Sheila as well?

16 A Yes.

17 Q And what was her response?

18 A She would cry. She would cry.

19 Q She would cry in response to your
20 suggesting that there be more collaboration with
21 these documents to make sure they were properly
22 executed?

23 A Yes. Because she would say, well,
24 Jim is telling me this, and you're telling me that,
25 and so she was just kinda in the middle so she

1 would cry.

2 Q All right. Okay. And did that
3 happen fairly often?

4 A Yes.

5 Q Let me hand you what had been
6 previously marked as Garavaglia Deposition Exhibit
7 14. And I think you cleared this up but I just
8 want to make sure we get this cleared up squarely
9 for the record.

10 MR. BLANKE: What is this?

11 MR. NORWOOD: This is Garavaglia
12 Exhibit 14.

13 MR. BLANKE: Sorry, Ron, I didn't
14 know you had these.

15 Q (BY MR. NORWOOD) You had, in
16 response to counsel's question, you had identified
17 Waste Management, an issue with a Waste Management
18 contract for which you prepared a document for the
19 Comptroller to sign.

20 Do you recall that?

21 A Yes.

22 Q All right. And then I believe you
23 clarified that, and when he talked about St. Louis
24 Composting, that refreshed your recollection that
25 in fact what you were talking about was the